

## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/677,116 09/29/00 VOLK Α 10559-162001 **EXAMINER** 020985 MM91/0918 FISH & RICHARDSON, PC LUU, A 4350 LA JOLLA VILLAGE DRIVE **ART UNIT** PAPER NUMBER SUITE 500 SAN DIEGO CA 92122 2816 DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

09/18/01

PTO-90C (Rev. 2/95)

<del>,</del>		Application	ı No.	Applicant(s)	
•	•	09/677,116		VOLK ET AL.	
	Office Action Summary	Examiner		Art Unit	
. 🔑		An T. Luu		2816	
	Th MAILING DATE of this commu	nication appears on the	cover sheet with the	c rr spondenc address	
Period fo	• •		EVELET ALONE	(O) FDOM	
THE I - Exter after - If the - If NO - Failu	ORTENED STATUTORY PERIOD IN MAILING DATE OF THIS COMMUNIATION of time may be available under the provision SIX (6) MONTHS from the mailing date of this comperiod for reply specified above is less than thirty period for reply is specified above, the maximum are to reply within the set or extended period for reply received by the Office later than three months in digital patent term adjustment. See 37 CFR 1.704(b).	NICATION.  as of 37 CFR 1.136(a). In no even amunication.  (30) days, a reply within the statute statutory period will apply and will  by will by statute cause the applic	nt, however, may a reply be ti ory minimum of thirty (30) da expire SIX (6) MONTHS fron ation to become ABANDONI	mely filed  ys will be considered timely.  In the mailing date of this communication.  ED (35 U.S.C. § 133).	
3tatus 1)⊠	Responsive to communication(s)	filed on 9-29-01.			
2a)□	This action is <b>FINAL</b> .	2b)⊠ This action is r	ion-final.		
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.				
Disposit	on of Claims				
4)⊠	4) Claim(s) 1-29 is/are pending in the application.				
	4a) Of the above claim(s) is	are withdrawn from con	sideration.		
5)	Claim(s) is/are allowed.				
6)	6) Claim(s) is/are rejected.				
7)	Claim(s) is/are objected to.				
8)⊠	Claim(s) 1-29 are subject to restrict	tion and/or election requ	uirement.		
Applicat	ion Papers				
9)	The specification is objected to by t	the Examiner.			
10)	The drawing(s) filed on is/ar	e: a) accepted or b)	objected to by the Ex	aminer.	
	Applicant may not request that any o	objection to the drawing(s)	be held in abeyance.	See 37 CFR 1.85(a).	
11)	The proposed drawing correction fi			roved by the Examiner.	
	If approved, corrected drawings are		ice action.		
12)	The oath or declaration is objected	to by the Examiner.			
_	under 35 U.S.C. §§ 119 and 120				
· ·	Acknowledgment is made of a cla		der 35 U.S.C. § 119	(a)-(d) or (f).	
a)	☐ All b)☐ Some * c)☐ None of				
	1. Certified copies of the priori				
	2. Certified copies of the priori				
*	<ol> <li>Copies of the certified copies</li> <li>application from the Interest</li> <li>See the attached detailed Office ac</li> </ol>	ernational Bureau (PCT	Rule 17.2(a)).		
	Acknowledgment is made of a clain				
	a)   The translation of the foreign				
15)	Acknowledgment is made of a clair	n for domestic priority u	nder 35 U.S.C. §§ 1	20 and/or 121.	
Attachme			4) Interview Summ	ary (PTO-413) Paper No(s)	
2) Not	ice of References Cited (PTO-892) ice of Draftsperson's Patent Drawing Review rmation Disclosure Statement(s) (PTO-1449	v (PTO-948) v) Paper No(s)		al Patent Application (PTO-152)	

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15 and 20-29, drawn to a clock generating apparatus, classified in class
     327, subclass 291.
  - II. Claims 16-19, drawn to a signal detection apparatus, classified in class 327, subclass 20.

The inventions are distinct, each from the other because of the following reasons:

Inventions of a clock generating apparatus and a signal detection apparatus are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, the different limitations make the inventions I and II patentably distinct from one another, i.e., a reference that anticipates or makes obvious one of the inventions I or II would not, by itself, anticipate or makes obvious any of the remaining invention.

Because these inventions are distinct for the reasons given above and have acquired a separated status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. A telephone call was made to Mr. Joe Stevenson on 9-17-01 to request an oral election to the above restriction requirement, but did not result in an election being made.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 703-308-4922. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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